

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

FIRST REGULAR SESSION  
FIFTY-SEVENTH LEGISLATURE

---

SEVENTEENTH LEGISLATIVE DAY  
WEDNESDAY, JANUARY 22, 2003

Senate Chamber

President Risch called the Senate to order at 11 a.m.

Roll call showed all members present except Senator Compton, absent and formally excused by the Chair; and Senators Burkett, Cameron, Marley, Noh, and Stennett, absent and excused.

Prayer was offered by Chaplain Gene Arnold.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 21, 2003, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

### Petitions, Resolutions, and Memorials

Senators Burkett, Cameron, and Stennett were recorded present at this order of business.

### SJM 101

#### BY EDUCATION COMMITTEE A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Fifty-seventh Idaho Legislature, do hereby respectfully represent that:

WHEREAS, for many years western states, including Idaho, have grappled with the challenge of providing the best education for their citizens and western states face unique challenges in achieving this goal; and

WHEREAS, from 1979 to 1998, the percent change in expenditures per pupil in 13 western states was 28%, compared to 57% in the remaining states; and

WHEREAS, in 2000-2001, the pupil per teacher ratio in 13 western states averaged 17.9 to one compared with 14.8 to one in the remaining states; and

WHEREAS, the conditions in western states are exacerbated by projections that enrollment will increase by an average of 7.1% compared to an average decrease of 2.6% in the rest of the nation; and

WHEREAS, despite the wide disparities in expenditures per pupil and pupil per teacher ratio, western states tax at a comparable rate and allocate as much of their budgets to public education as the rest of the nation; and

WHEREAS, the ability of western states to fund education is directly related to federal ownership of state lands and the federal government owns an average of 51.9% of the land in 13 western states, compared to 4.1% in the remaining states; and

WHEREAS, the enabling acts of most western states promise that five percent of the proceeds from the sale of federal lands will go to the states for public education; and

WHEREAS, a federal policy change in 1977 ended these sales resulting in an estimated 14 billion dollars in lost public education funding for western states; and

WHEREAS, the ability of western states to fund public education is further impacted by the fact that state and local property taxes upon which public education relies heavily to fund education cannot be assessed on federal lands; and

WHEREAS, the estimated annual impact of this property tax prohibition on western lands is over 4 billion dollars; and

WHEREAS, the federal government shares only half of its royalty revenue with the states and royalties are further reduced because federal lands are less likely to be developed and federal laws often place stipulations on the use of state royalty payments; and

WHEREAS, the estimated annual impact of royalty payment policies on western states is over 1.86 billion dollars; and

WHEREAS, much of the land that the federal government transferred to states upon statehood as a trust for public education is difficult to administer and to make productive because it is surrounded by federal land; and

WHEREAS, federal land ownership greatly hinders the ability of western states, including Idaho, to fund public education; and

WHEREAS, the federal government should compensate western states for the significant impact federal land ownership has on the ability of western states to educate their citizens; and

WHEREAS, just compensation will allow western states to be on equal footing with the rest of the nation in their efforts to provide education for their citizens.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that we support and endorse the "Action Plan for Public Lands and Education," we support and endorse an initiative urging the federal government to provide an expedited land exchange process for land not intended for wilderness designation, and we support and endorse an initiative seeking just

compensation from the federal government for the impact its ownership of lands within western states has on the states' ability to fund public education.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

**SJM 101** was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

#### **Reports of Standing Committees**

Senators Marley and Noh were recorded present at this order of business.

January 22, 2003

The JUDICIARY AND RULES Committee reports that **S 1014**, **S 1015**, **S 1016**, **S 1017**, **S 1018**, **S 1019**, **S 1020**, **S 1021**, **SR 101**, and **SR 102** have been correctly printed.

DARRINGTON, Chairman

**S 1014** was referred to the Finance Committee.

**S 1015**, **S 1016**, **S 1017**, **S 1018**, and **S 1019** were referred to the Judiciary and Rules Committee.

**S 1020** was referred to the State Affairs Committee.

**S 1021** was referred to the Local Government and Taxation Committee.

**SR 101** and **SR 102** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

January 21, 2003

The COMMERCE AND HUMAN RESOURCES Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Jody Olson to the Public Employees Retirement System of Idaho Board, term to expire July 1, 2007;

Tom Kealey, to the Idaho Endowment Fund Investment Board, term to expire April 11, 2005.

ANDREASON, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

January 22, 2003

The FINANCE Committee reports out **S 1014** with the recommendation that it do pass.

CAMERON, Chairman

**S 1014** was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

#### **Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials**

##### **S 1022**

##### **BY FINANCE COMMITTEE**

##### **AN ACT**

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF LANDS FOR FISCAL YEAR 2003; PROVIDING TRANSFERS TO THE PEST CONTROL DEFICIENCY FUND; AND DECLARING AN EMERGENCY.

**S 1022** was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

#### **Second Reading of Bills**

**H 1**, by Lake, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

#### **Third Reading of Bills**

**S 1001** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--Calabretta. Total - 1.

Absent and excused--Compton. Total - 1.

Total - 35.

Whereupon the President declared **S 1001** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### **Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:50 a.m. until the hour of 11:30 a.m., Thursday, January 23, 2003.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary